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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,984	10/30/2003	James D. Dale	1062/D74	7856
2101 7590 01/29/2007 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER LUGO, CARLOS	
			ART UNIT 3676	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/696,984	Applicant(s) DALE, JAMES D.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-12, 19-21, 23-26, 30-34, 39, 40 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 10-12, 19, 21, 23-26, 30, 32, 34, 39, 40, 44, 45 and 47 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 20, 31, 33 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's RCE filed on January 8, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1,10-12,21,23-26,34,39,40, and 47 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,073,521 to Mena.

Regarding claims 1,21,34 and 47, Mena discloses a door locking system comprising an assembly (13) including a latching structure (33,34); a door (14) movably coupled to the assembly and including a latch member (32,35) for engagement with the latching structure in a closing position of the door, when the door is latched to the assembly; and a movable member (16) coupled to the door for applying a force towards the opening direction of the door to maintain the engagement of the first and second undercut features to keep the door latched.

As to claims 10,24 and 39, Mena discloses that the movable member (16) is an expandable member.

As to claims 11,25 and 40, Mena discloses that the expandable member is a bladder (16).

As to claims 12 and 26, Mena discloses that the system further comprises a pneumatic circuit (39) for controlling the movable member.

As to claim 23, Mena illustrates that the system further comprises a handle (29) attached to the second engagement means (by means of the door 14).

4. Claims 1,7,10-12,19,21,24-26,30,32,34,39,40,44,45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,150,796 to Pierson (Pierson '796).

Regarding claims 1,21,34 and 47, Pierson '796 discloses a door locking system comprising an assembly (5) including a latching structure (30); a door (3) movably coupled to the assembly and including a latch member (12) for engagement with the latching structure in a closing position of the door, when the door is latched to the assembly; and a movable member (9) coupled to the door for applying a force towards the opening direction of the door to maintain the engagement of the first and second undercut features to keep the door latched.

As to claims 7,19,30,32,44 and 45, Pierson '796 discloses that the movable member (9) is operably coupled to contact an element (21) positioned between the movable member and the assembly when applying the force.

As to claims 10,24 and 39, Pierson '796 discloses that the movable member (9) is an expandable member.

As to claims 11,25 and 40, Pierson '796 discloses that the expandable member is a bladder (9).

As to claims 12 and 26, Pierson '796 discloses that the system further comprises a pneumatic circuit (connected to 10) for controlling the movable member.

Allowable Subject Matter

5. **Claims 5 and 6 are allowed.**
6. **Claims 8,9,20,31,33, and 46 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. At the instant, the prior art fails to disclose that the latch member includes a handle for operating the latch (claim 5), that the movable member will contact a pump (claims 8,20,32,33 and 46) and that the system comprises a handle that is not capable of moving the latch member when the movable member is applying force (claim 9).

Response to Arguments

8. Applicant's arguments filed on January 8, 2007 have been fully considered but they are not persuasive.

The applicant argues that Mena fails to disclose a latching mechanism that engages to hold the door in the closed position and that is made inoperable by the inflated bladder (Page 12 Line 20). At the instant, Mena clearly discloses a latching mechanism (32-35) that engages to hold the door in the closed position and that is made inoperable by the inflated bladder (16). Therefore, the argument is not persuasive.

The applicant also argues that Mena discloses that the bladder produces a net inward force, rather than a net outward force (Page 13 Line 12).

As saw in the attachment #1 on the last Office Action mailed on July 7, 2006, the bladder when is inflated, will exerts a force in different directions, similar to the bladder of the instant application. At least one of the forces is in the opening direction and is operatively to maintain the engagement of the latch. Therefore, the argument is not persuasive.

As to claims 1,9,32,44 and 45, a new rejection has been made on the record in view of Pierson '796. At the instant, Pierson '796 discloses an assembly having a latching structure, a door (a movable barrier) having a latch member engaged to the latching structure, a movable member applying a force to maintain the engagement, and an element (21) positioned between the movable member and the assembly.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'CL' followed by a horizontal line.

Carlos Lugo
Patent Examiner
Art Unit 3676

January 25, 2007.